

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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NEW HAMPSHIRE LOTTERY COMMISSION, )

NEOPOLLARD INTERACTIVE LLC, *and* )

POLLARD BANKNOTE LIMITED, )

*Plaintiffs,* )

v. )

WILLIAM P. BARR, in his official capacity as )  
Attorney General of the United States, )

UNITED STATES DEPARTMENT OF JUSTICE, )

AND UNITED STATES OF AMERICA, )

*Defendants.* )

=====

Civil Action No. 1:19-cv-00163-PB

**PROPOSED DEFENDANTS-INTERVENORS’  
PROPOSED MOTION TO DISMISS OR FOR SUMMARY JUDGMENT**

Proposed Defendants-Intervenors the Coalition to Stop Internet Gambling (CSIG) and the National Association of Convenience Stores (NACS), by and through undersigned counsel, respectfully move to dismiss under FED. R. CIV. P. 12(b)(6) or, alternatively, for summary judgment under Rule 56. In support of this motion, Proposed Defendants-Intervenors incorporate by reference their previous briefs and notice of supplemental authority, *see* Docs. 54, 75, and 77, as well as the arguments offered by their counsel at the oral argument held on April 11, 2019. Those filings and presentations lay out the arguments in support of this motion, and all parties and amici have already had an opportunity to engage with them. There is therefore no reason for

Proposed Defendants-Intervenors to file a new brief or for this Court to allocate additional time for responsive briefing on this motion.

Pursuant to FED. R. CIV. P. 12(a)(4) and this Court's April 4, 2019 Order, Proposed Defendants-Intervenors respectfully request that this Court treat this filing as satisfying any obligation to file a proposed pleading under Rule 25(c). Although this motion is styled as a motion to dismiss under FED. R. CIV. P. 12(b)(6), Proposed Defendants-Intervenors would have no objection to this Court converting their motion into a cross-motion for summary judgment, as it did with Defendants' motion, provided that, in accordance with this Court's April 4 Order, Proposed Defendants-Intervenors are not obligated to file an answer.

For the reasons described in Docs. 54, 75, and 77, Proposed Defendants-Intervenors respectfully request that this Court:

- a. Docket this Proposed Motion to Dismiss or for Summary Judgment;
- b. Treat Docs. 54, 75, and 77 as Proposed Defendants-Intervenors' Memorandum of Law in Support of this Proposed Motion, and dispense with any further briefing on this Proposed Motion in light of the briefing that has already occurred;
- c. Treat this filing as satisfying any obligation for Proposed Defendants-Intervenors to file a proposed pleading under Rule 25(c);
- d. Grant their Motion to Dismiss or for Summary Judgment;
- e. Enter judgment for Proposed Defendants-Intervenors; and
- f. Grant such other and further relief as may be just and equitable.

Dated: May 23, 2019

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Respectfully submitted,

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